

Exhibit A

*(State Court Pleadings and
Docket Sheet)*

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**NANCY HUNTER,****Plaintiff, individually and on
behalf of a class of persons,****v.****Civil Action No.:** _____**SELECT PORTFOLIO SERVICING, INC.,****Defendant.****Class Action Complaint****Preliminary Statement**

1. Defendant Select Portfolio Servicing, Inc., (“SPS”) is a mortgage-loan servicer that unfairly, unreasonably, and unlawfully threatened the collection of and assessed and collected illegal default fees in the form of property evaluations, inspections, court costs, and attorney’s fees from Plaintiff and other class members. These illegal threats are contrary to mortgage borrowers’ loan agreements and West Virginia law. To enforce West Virginia law and stop these business practices, Plaintiff brings this action on his own behalf and on behalf of a class of West Virginia borrowers with loans serviced by the Defendants.

Parties

2. Plaintiff resides in Kanawha County, West Virginia.
3. Defendant SPS is a loan servicer and creditor-debt collector responsible for collecting payments and the charges assessed against Plaintiff and other borrowers’ accounts.

Facts

4. Plaintiff entered into a home-secured mortgage loan in 2005, for property located in Kanawha County, West Virginia.

5. At some point in time the right to service Plaintiff's loan and collect loan payments was transferred to SPS. SPS is a debt collector in that it is responsible for collecting Plaintiff's loan payments.

6. Plaintiff began receiving debt collection letters from the Defendant indicating that her loan was in default. For example, in one form debt collection letter dated May 16, 2024, Plaintiff was advised that her loan was delinquent and the reinstatement amount reflects "attorney fees and costs" as well as legal fees, collection related expenses, or any other miscellaneous expense."

7. Upon information and belief these fees have been assessed to Plaintiff and other borrowers' accounts.

8. The threat of the assessment of these fees violates West Virginia law as they are not recoverable.

9. The threat to collect and any actual collection of attorneys' fees violates the parties' Note and Deed of Trust. For example, the Deed of Trust provides that:

Attorneys' Fees. The provisions in this Security Instrument for Borrower to pay attorneys' fees shall be void.

10. Similarly, the Note provides that:

If the Note Holder has required me to pay immediately in full as described above, the Note Holder will have the right to be paid back by me for all of its costs and expenses (except attorneys' fees)...

11. West Virginia Code § 46A-2-127(g) prohibits "[a]ny representation that an existing obligation of the consumer may be increased by the addition of attorney's fees, investigation fees, service fees or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation[.]"

12. West Virginia Code § 46A-2-128(c) prohibits a debt collector from “collect[ing] or attempt[ing] to collect from the consumer all or any part of the debt collector’s fee or charge for services rendered.”

13. Finally, West Virginia Code § 46A-2-128(d) prohibits “[t]he collection of or the attempt to collect any interest or other charge, fee or expense incidental to the principal obligation unless such interest or incidental fee, charge or expense is expressly authorized by the agreement creating the obligation and by statute.”

The Proposed Class

14. Plaintiff brings this action on his own behalf and on behalf of all other similarly situated individuals pursuant to Rule 23 of the West Virginia Rules of Civil Procedure. The class is presently defined as:

All West Virginia borrowers at the time of the filing of this action, within the four years of the filing of this complaint through the date of class certification that Defendant mailed a collection letter to that threatened the collection of property evaluation, inspections, court costs, or attorney fees.

32. The requirements of Rule 23 are satisfied as follows:

- a. The class is so numerous that joinder of all members is impracticable;
- b. There are questions of law and fact common to all members of the class; and
- c. The named Plaintiff’s claims are typical of those of the class as a whole.

33. The Plaintiff has displayed an interest in vindicating the rights of the class members, will fairly and adequately protect and represent the interest of the class, and is represented by skillful and knowledgeable counsel. The relief sought by the named Plaintiff will inure to the benefit of the class generally.

34. The common questions of law and fact predominate over individual questions, and the class action device is superior to other available methods for the fair and efficient adjudication of the controversy.

35. Additionally, Defendant has acted or refused to act on grounds generally applicable to the entire class, thereby making final injunctive, declaratory, and other relief appropriate for the class as a whole.

Legal Claims

Illegal Debt Collection (Class and individual claim)

20. Plaintiff incorporates the preceding paragraphs by reference.

21. By threatening the collection, referencing the right to collect, and/or actually collecting the above referenced fees and charges, the Defendant violated West Virginia Code §§ 46A-2-127(g), 127(d), 128(c), and 128(d).

Relief Sought

Plaintiff seeks the following relief for himself and all class members:

1. That the Court grant class certification as proposed above;
2. An injunction prohibiting Defendant from engaging in the unlawful conduct described above;
3. An injunction prohibiting Defendant from initiating foreclosure proceedings on any accounts in West Virginia where the loans were serviced in the manner described above;
4. A declaration that Defendant breached the parties' contract in the manner described above;
5. A civil penalty for each violation of Chapter 46A, under West Virginia Code § 46A-5-101(1) and -106;

6. Actual and compensatory damages;
7. Reasonable attorneys' fees and the costs of this action, under West Virginia Code § 46A-5-104;
8. Pre- and post-judgment interest; and
9. All other relief the Court deems appropriate.

Jury trial demanded.

Nancy Hunter
By Counsel

/s/ Benjamin M. Sheridan
Benjamin M. Sheridan (WVSB #11296)
Jed Nolan (WVSB #10833)
Klein & Sheridan, LC
3566 Teays Valley Road
Hurricane, WV 25526
T: (304) 562-7111
F: (304) 562-7115
E: ben@kleinsheridan.com
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Jonathan R. Marshall (WVSB #10580)
Bailey & Glasser LLP
209 Capitol Street
Charleston, WV 25301
jmarshall@baileyglasser.com
(304) 345-6555

Patricia M. Kipnis (WVSB #12896)
Bailey & Glasser LLP
923 Haddonfield Rd.
Suite 300
Cherry Hill, NJ 08002
pkipnis@baileyglasser.com
(304) 345-6555

Counsel for Plaintiff

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

NANCY HUNTER,
Plaintiff, individually and on
Behalf of a class of persons,

vs.

Case No.

SELECT PORTFOLIO SERVICING, INC.,
Defendant.

SUMMONS

To the above-named DEFENDANT: **Select Portfolio Servicing, Inc.**
 c/o/ Corporation Service
 209 West Washington Street
 Charleston, WV 25302

IN THE NAME OF THE STATE OF WEST VIRGINIA: you are hereby summoned and are required to serve upon **Benjamin M. Sheridan, Plaintiff's attorney**, whose address is: **Klein & Sheridan, LC, 3566 Teays Valley Road, Hurricane, WV 25526**, an answer, including any related counterclaim, or any other claim you may have to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within **thirty (30)** days after service of this summons upon you, exclusive of the date of service. If discovery is attached, you are further required to file a response to attached discovery within **forty-five (45)** of the service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim, or any other claim in the above-styled action.

DATED: _____, 20____

Clerk of Court



West Virginia E-Filing Notice

CC-20-2025-C-345

Judge: Maryclaire Akers

To: Benjamin Sheridan
ben@kleinsheridan.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

CC-20-2025-C-345

The following complaint was FILED on 3/12/2025 11:09:09 AM

Notice Date: 3/12/2025 11:09:09 AM

Cathy S. Gatson
CLERK OF THE CIRCUIT COURT
Kanawha County
P.O. Box 2351
CHARLESTON, WV 25301

(304) 357-0440



West Virginia E-Filing Notice

CC-20-2025-C-345

Judge: Maryclaire Akers

To: Select Portfolio Servicing, Inc.
209 Washington Street
Charleston, WV, WV 25302

NOTICE OF FILING

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

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CHARLESTON, WV 25301

(304) 357-0440

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Select Portfolio Servicing, Inc., 209 Washington Street, Charleston, WV, WV 25302

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Benjamin Sheridan, 3566 Teays Valley Rd, , Hurricane, WV 25526

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

3/12/2025 11:09:09 AM
Date

/s/ Cathy S. Gatson
Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling or usual place of abode to _____, someone who is eighteen (18) years of age or above and resides there.

☐ Not Found in Bailiwick

Date

Server's Signature

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

Service Type: Secretary of State - Certified - Including Copy Fee

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

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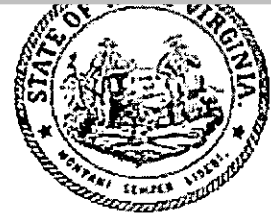
☐ Not Found in Bailiwick

Date

Server's Signature

FILED 3/19/2025 9:39 AM
CC-20-2025-C-345
Kanawha County Circuit Clerk
Cathy S. Gatson

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Kris Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

CLERK OF KANAWHA COUNTY CIRCUIT COURT
PO BOX 2351
Charleston, WV 25328-2351

Control Number: 337809

Defendant: SELECT PORTFOLIO
SERVICING, INC.
808 GREENBRIER STREET
Charleston, WV 25311 US

Agent: Corporation Service Company

County: Kanawha

Civil Action: 25-C-345

Certified Number: 92148901125134100004109771

Service Date: 3/14/2025

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in black ink that reads "Kris Warner".

Kris Warner
Secretary of State

SUMMONS

E-FILED | 3/12/2025 11:09 AM
CC-20-2025-C-345
Kanawha County Circuit Clerk
Cathy S. Gatson

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Nancy Hunter v. Select Portfolio Servicing, Inc.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Select Portfolio Servicing, Inc., 209 Washington Street, Charleston, WV, WV 25302

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Benjamin Sheridan, 3566 Teays Valley Rd., Hurricane, WV 25526

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SERVICE:

3/12/2025 11:09:09 AM

Date

/s/ Cathy S. Gatson

Clerk

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☐ Not Found in Bailiwick

Date

Server's Signature

APPROPRIATE FOR
SERVICE BY PROCESS
2025 MAR 14 A 10:00
CLERK OF STATE
CATHY S. GATSON
STATE OF WEST VIRGINIA

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Kris Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

CLERK OF KANAWHA COUNTY CIRCUIT COURT
PO BOX 2351
Charleston, WV 25328-2351

Control Number: 337808

Defendant: APPALACHIAN OFFROAD MC LLC
1545 HANSFORD STREET
CHARLESTON, WV 25311 US

County: Kanawha

Civil Action: 25-C-344

Certified Number: 92148901125134100004109764

Service Date: 3/14/2025

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Warner", is written over a horizontal line.

Kris Warner
Secretary of State

SUMMONS

E-FILED | 3/12/2025 11:02 AM
CC-20-2025-C-344
Kanawha County Circuit Clerk
Cathy S. Gatson

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
Amanda L. Mullins v. APPALACHIAN OFFROAD MC LLC

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: APPALACHIAN OFFROAD MC LLC, 1545 HANSFORD STREET, CHARLESTON, WV 25311
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Michael Addair, 1018 KANAWHA BLVD E STE 409, STE 409, CHARLESTON, WV 25301

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SERVICE:

3/12/2025 11:02:54 AM

Date

/s/ Cathy S. Gatson

Clerk

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☐ Not Found in Bailiwick

Date

Server's Signature

RECEIVED FOR
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2025 MAR 14 A 10:00
CLERK OF STATE
OFFICE OF WEST VIRGINIA

Case Docket Entries

Court: **Circuit** County: **20 - Kanawha** Created Date: **3/12/2025** Security Level: **Public**
 Judge: **Maryclaire Akers** Case Type: **Civil** Case Sub-Type: **Other** Status: **Open**
 Related Cases:
 Style: **Nancy Hunter v. Select Portfolio Servicing, Inc.**

	<u>Entered Date</u>	<u>Event</u>	<u>Ref. Code</u>	<u>Description</u>
1	3/12/2025 11:09:09 AM	E-Filed		Complaint
	1-1 3/12/2025	Civil Case Information Statement		
	1-2 3/12/2025	Complaint - Initial Complaint		
	1-3 3/12/2025	Supporting Document - Summons		
	1-4 3/12/2025	Transmittal		
	1-5 3/12/2025	Summons - SENT TO SECRETARY OF STATE		
2	3/12/2025 11:09:09 AM	Judge Assigned	J-20014	Maryclaire Akers
3	3/12/2025 11:09:09 AM	Party Added	P-001	Nancy Hunter
4	3/12/2025 11:09:09 AM	Party Added	D-001	Select Portfolio Servicing, Inc.
5	3/12/2025 11:09:09 AM	Attorney Listed	P-001	A-11296 - Benjamin Matthew Sheridan
6	3/12/2025 11:09:09 AM	Service Requested	D-001	Secretary of State - Certified - Including Copy Fee
7	3/12/2025 2:00:24 PM	Attorney Listed	P-001	A-10833 - Jed Robert Nolan
8	3/12/2025 2:00:38 PM	Attorney Listed	P-001	A-10580 - Jonathan Rehe Marshall
9	3/12/2025 2:00:49 PM	Attorney Listed	P-001	A-12896 - Patricia M Kipnis
10	3/19/2025 9:40:00 AM	E-Docketed		Supporting Documents - Acceptance of Service by Secretary of State as to Select Portfolio Servicing, Inc.
	10-1 3/19/2025	Supporting Document - Acceptance of Service by Secretary of State as to Select Portfolio Servicing, Inc.		
	10-2 3/19/2025	Transmittal		